

OK Electronic Crime Statutes

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§21-1951. Short title.

This act shall be known and may be cited as the "Oklahoma Computer Crimes Act".

Added by Laws 1984, c. 70, § 1, emerg. eff. March 29, 1984.

§21-1952. Definitions.

As used in the Oklahoma Computer Crimes Act:

1. "Access" means to approach, gain entry to, instruct, communicate with, store data in, retrieve data from or otherwise use the logical, arithmetical, memory or other resources of a computer, computer system or computer network;

2. "Computer" means an electronic device which performs work using programmed instruction having one or more of the capabilities of storage, logic, arithmetic or communication. The term includes input, output, processing, storage, software and communication facilities which are connected or related to a device in a system or network;

3. "Computer network" means the interconnection of terminals by communication modes with a computer, or a complex consisting of two or more interconnected computers;

4. "Computer program" means a set or series of instructions or statements and related data which when executed in actual or modified form directs or is intended to direct the functioning of a computer system in a manner designed to perform certain operations;

5. "Computer software" means one or more computer programs, procedures and associated documentation used in the operation of a computer system;

6. "Computer system" means a set of related, connected or unconnected, computer equipment, devices including support devices, one or more of which contain computer programs, electronic instructions, input data, and output data, that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control and software. "Computer system" does not include calculators which are not programmable and are not capable of being connected to or used to access other computers, computer networks, computer systems or support devices;

7. "Data" means a representation of information, knowledge, facts, concepts, computer software, computer programs or instructions. Data may be in any form, in

storage media, or as stored in the memory of the computer or in transit or presented on a display device;

8. "Property" means any tangible or intangible item of value and includes, but is not limited to, financial instruments, geophysical data or the interpretation of that data, information, computer software, computer programs, electronically-produced data and computer-produced or stored data, supporting documentation, computer software in either machine or human readable form, electronic impulses, confidential, copyrighted or proprietary information, private identification codes or numbers which permit access to a computer by authorized computer users or generate billings to consumers for purchase of goods and services, including but not limited to credit card transactions and telecommunications services or permit electronic fund transfers and any other tangible or intangible item of value;

9. "Services" includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work;

10. "Supporting documentation" includes, but is not limited to, all documentation in any form used in the construction, design, classification, implementation, use or modification of computer software, computer programs or data; and

11. "Victim expenditure" means any expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, deleted, disrupted, damaged or destroyed by the access.

Added by Laws 1984, ch. 70, § 2, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 1, eff. Nov. 1, 1989. §21-1953. Prohibited acts.

A. It shall be unlawful to:

1. Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property;

2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, services or other thing of value by means of a false or fraudulent pretense or representation;

3. Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network or any other property;
4. Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network or any other property;
5. Willfully and without authorization use or cause to be used computer services;
6. Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network;
7. Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section;
8. Willfully use a computer, computer system, or computer network to annoy, abuse, threaten, or harass another person; and
9. Willfully use a computer, computer system, or computer network to put another person in fear of physical harm or death.

B. Any person convicted of violating paragraph 1, 2, 3, 6, 7 or 9 of subsection A of this section shall be guilty of a felony punishable as provided in Section 1955 of this title.

C. Any person convicted of violating paragraph 4, 5 or 8 of subsection A of this section shall be guilty of a misdemeanor.

Added by Laws 1984, c. 70, § 3, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 2, eff. Nov. 1, 1989; Laws 1997, c. 133, § 427, eff. July 1, 1999; Laws 2000, c. 105, § 1, eff. Nov. 1, 2000; Laws 2002, c. 97, § 2, emerg. eff. April 17, 2002.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 427 from July 1, 1998, to July 1, 1999.

§21-1954. Certain acts as prima facie evidence of violation of act.

Proof that any person has accessed, damaged, disrupted, deleted, modified, altered, destroyed, caused to be accessed, copied, disclosed or taken possession of a computer, computer system, computer network or any other property, or has attempted to perform any of these enumerated acts without authorization or exceeding the limits of authorization, shall be prima facie evidence of the willful violation of the Oklahoma Computer Crimes Act. Added by Laws 1984, c. 70, § 4, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 3, eff. Nov. 1, 1989.

§21-1955. Penalties - Civil actions.

A. Upon conviction of a felony under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not less than Five Thousand Dollars (\$5,000.00) and not more than One Hundred Thousand Dollars (\$100,000.00), or by confinement in the State Penitentiary for a term of not more than ten (10) years, or by both such fine and imprisonment.

B. Upon conviction of a misdemeanor under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

C. In addition to any other civil remedy available, the owner or lessee of the computer, computer system, computer network, computer program or data may bring a civil action against any person convicted of a violation of the Oklahoma Computer Crimes Act for compensatory damages, including any victim expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, damaged, deleted, disrupted or destroyed by the access. In any action brought pursuant to this subsection the court may award reasonable attorneys fees to the prevailing party.

Added by Laws 1984, c. 70, § 5, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 4, eff. Nov. 1, 1989; Laws 1997, c. 133, § 428, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 312, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 428 from July 1, 1998, to July 1, 1999.

§21-1957. Access of computer, computer system or computer network in one jurisdiction from another jurisdiction - Bringing of action.

For purposes of bringing a civil or a criminal action pursuant to the Oklahoma Computer Crimes Act, a person who causes, by any means, the access of a computer, computer system or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.

Added by Laws 1989, c. 151, § 5, eff. Nov. 1, 1989. Amended by Laws 2002, c. 97, § 3, emerg. eff. April 17, 2002.

§21-1958. Access to computers, computer systems and computer networks prohibited for certain purposes - Penalty.

No person shall communicate with, store data in, or retrieve data from a computer system or computer network for the purpose of using such access to violate any of the provisions of the Oklahoma Statutes.

Any person convicted of violating the provisions of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

Added by Laws 1986, c. 26, § 1, eff. Nov. 1, 1986. Renumbered from § 1124 of this title by Laws 1989, c. 151, § 6, eff. Nov. 1, 1989. Amended by Laws 1997, c. 133, § 429, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 313, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 429 from July 1, 1998, to July 1, 1999.

§21-1959. Subpoenas prior to commencement of proceedings – Noncompliance – Misdemeanor.

A. When any person has engaged in, is engaged in, or is attempting or conspiring to engage in any conduct constituting a violation of any of the provisions of Section 1953 of Title 21 of the Oklahoma Statutes, the Oklahoma Attorney General or any district attorney in Oklahoma may conduct an investigation of the activity. On approval of the district judge, the Attorney General or district attorney, in accordance with the provisions of Section 258 of Title 22 of the Oklahoma Statutes and pursuant to the provisions of the Oklahoma Computer Crimes Act, is authorized before the commencement of any civil or criminal proceeding to subpoena witnesses, compel their attendance, examine them under oath, or require the production of any business papers or records by subpoena duces tecum. Evidence collected pursuant to this section shall not be admissible in any civil proceeding.

B. Any business papers and records subpoenaed by the Attorney General or district attorney shall be available for examination by the person who produced the material or by any duly authorized representative of the person. Transcripts of oral testimony shall be available for examination by the person who produced such testimony and their counsel.

Except as otherwise provided for in this section, no business papers, records, or transcripts or oral testimony, or copies of it, subpoenaed by the Attorney General or district attorney shall be available for examination by an individual other than another law enforcement official without the consent of the person who produced the business papers, records or transcript.

C. All persons served with a subpoena by the Attorney General or district attorney pursuant to the provisions of the Oklahoma Computer Crimes Act shall be paid the same fees and mileage as paid witnesses in the courts of this state.

D. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served subpoena of the Attorney General or district attorney pursuant to the provisions of this section, knowingly remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any business papers or records that are the subject of the subpoena duces tecum.

E. Any person violating the provisions of this section shall be guilty, upon conviction, of a misdemeanor.

Added by Laws 2003, c. 98, § 1, eff. Nov. 1, 2003.

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